

DC

FILED

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

APR 27 2015

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

CRISTEN RHINEHART,

Case No. 15cv101

Plaintiff(s),

Judge: John Z. Lee

Vs.

Magistrate Judge: Mary M. Rowland

GARY LUKE, VILLAGE OF

SAUK VILLAGE

Defendant(s)

MOTION FOR AN ENTRY OF DEFAULT JUDGMENT

COME NOW the Plaintiff, CRISTEN RHINEHART, and submit his Motion for an Entry of Default Judgment.

STATEMENT OF FACTS

- 1.) COMPLAINT and 2 copies were filed with the court by the plaintiff, Cristen Rhinehart on January 7, 2015.
- 2.) SUMMONS returned executed by U.S. Marshals on March 9, 2015, as to the defendant(s) Gary Luke, Village of Sauk Village.
- 3.) NO ANSWER to the complaint had been filed with the court within twenty-one (21) days after service of summons as to the defendant(s), Gary Luke, Village of Sauk Village. (Answer was due by: March 30, 2015).
- 4.) ATTORNEY appearance for the defendants, Village of Sauk Village and Gary Luke filing a Motion

• • •

for Extension of Time to Answer or Otherwise Plead, granted by the court on April 2, 2015.

- 5.) NO ANSWER to the complaint has been filed with the court within the Extension of Time to Answer or Otherwise Plead. (Answer was due by: April 20, 2015).
- 6.) Attorney for the Defendants, Village of Sauk Village and Gary Luke filed a motion for Extension of Time to Answer or Otherwise Plead, and granted by the court on April 20, 2015.
- 7.) NO ANSWER to the complaint has been filed with the court within the Extension of Time to Answer or Otherwise Plead. (Answer was due by April 27, 2015).

ARGUMENT

FiR. Civ.P. 12(a)(1)(A)(i) requires a response within twenty-one (21) days after service of summons and complaint. In this case, a response was due on March 30, 2015. On April 2, 2015 attorney(s) for the defendants, Village of Sauk Village and Gary Luke filed an motion for extension of time to answer or otherwise plead and was granted by the court, an answer was due on April 20, 2015. The defendants have again failed to file a timely answer to the complaint. Attorney for the Defendants, Village of Sauk Village and Gary Luke filed a third motion for Extension of Time to Answer or Otherwise Plead, and granted by the court on April 21, 2015. An answer to the complaint was due by April 27, 2015. Again, the Defendants have failed to file a timely answer to the complaint within the Extension of Time to Answer or Otherwise Plead. The fact or opinion that this matter has been recently received by Defense Counsel by the defendants, Village of Sauk Village and Gary Luke should not be considered as an excusable factor. It should be considered as a timely delay to the plaintiff and to the court. The granting of this motion will not prejudice the Defendant's in this case, whereas the denial of this motion will truly prejudice the plaintiff. The entry of default judgment is not an abuse of discretion when the defendants have failed to file a timely answer.

• • •

WHEREFORE, the plaintiff, Cristen Rhinehart respectfully request this Honorable Court enter a Judgment of Default, and to grant the Plaintiff any and all relief deemed just and proper.

Respectfully Submitted,

Cristen Rhinehart, Pro Se
21920 Olivia Sauk Village, IL

